
STATUTORY INSTRUMENTS

2015 No. 173

The State Pension Regulations 2015

[^{F1}PART 8

National Insurance Credits

[^{F1}CHAPTER 3

Crediting earnings or contributions in respect of a
qualifying year or a post-commencement qualifying year

Textual Amendments

- F1** Pt. 8 inserted (6.4.2016 coming into force in accordance with reg. 1) by [The State Pension \(Amendment\) \(No. 2\) Regulations 2016 \(S.I. 2016/240\)](#), regs. 1, 2

Credits under the 1975 Regulations

29.—(1) Where a person is credited with earnings or contributions under the provisions of the 1975 Regulations specified in paragraph (2), the person is also to be credited with those earnings or contributions for the purposes of Part 1 of the 2014 Act.

(2) The provisions specified are—

- (a) regulation 7 (credits for approved training);
- (b) regulation 7A (credits for carer's allowance);
- (c) regulation 7B (credits for disability element of working tax credit);
- (d) regulation 8A (credits for unemployment);
- (e) regulation 8B (credits for incapacity for work or limited capability for work);
- (f) regulation 9B (credits for jury service);
- (g) regulation 9C (credits for maternity pay etc.);
- (h) regulation 9D (credits for certain periods of imprisonment or detention in legal custody);
- (i) regulation 9E (credits for certain spouses and civil partners of members of Her Majesty's forces).

Credits for persons in receipt of working tax credit

30.—(1) Where working tax credit is paid to a person in respect of a week in which the person is—

- (a) an employed earner,
- (b) a self-employed earner whose profits for the year are below the small profits threshold specified by [^{F2}section 11(4)(b)] of the 1992 Act, who would otherwise be liable to pay [^{F3}, or would be treated as having actually paid,] a Class 2 contribution, or

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- (c) excepted from liability to pay a Class 2 contribution by virtue of regulation 43 of the Social Security (Contributions) Regulations 2001,
the person is to be credited with earnings equal to the lower earnings limit then in force in respect of that week.
- (2) Where working tax credit is paid in respect of a couple, the reference in paragraph (1) to the person in respect of whom working tax credit is paid is a reference to —
- (a) where only one member of the couple is assessed for the purposes of the award of working tax credit as having income consisting of earnings, that member, or
- (b) where the earnings of each member are assessed, the member of the couple to whom working tax credit is paid.
- (3) Paragraph (1) does not apply to—
- (a) a person in respect of a week in which the person is entitled to be credited with earnings under—
- (i) regulation 7B (credits for disability element of working tax credit),
- (ii) regulation 8A (credits for unemployment), or
- (iii) regulation 8B (credits for incapacity for work or limited capability for work),
of the 1975 Regulations; or
- (b) a woman in respect of a week in any part of which an election made by her under regulations under section 19(4) of the 1992 Act (reduced rate election for married women) is in force.
- (4) In this regulation, “couple” has the same meaning as in section 3(5A) of the Tax Credits Act 2002.

Textual Amendments

- F2** Words in [reg. 30\(1\)\(b\)](#) substituted (with effect from 6.4.2022) by [The Social Security \(Class 2 National Insurance Contributions Increase of Threshold\) Regulations 2022 \(S.I. 2022/1329\)](#), regs. 1, [6\(3\)\(a\)\(i\)](#)
- F3** Words in [reg. 30\(1\)\(b\)](#) inserted (with effect from 6.4.2022) by [The Social Security \(Class 2 National Insurance Contributions Increase of Threshold\) Regulations 2022 \(S.I. 2022/1329\)](#), regs. 1, [6\(3\)\(a\)\(ii\)](#)

Credits for persons entitled to universal credit

31. A person is to be credited with a Class 3 contribution in respect of a week for any part of which the person is entitled to universal credit under Part 1 of the 2012 Act.

Credits for persons approaching pensionable age

32.—(1) Subject to paragraph (4), a man born before 6th October 1953 is to be credited with earnings equal to the lower earnings limit then in force in respect of a week to which paragraph (2) applies.

- (2) This paragraph applies to a week which falls within—
- (a) the year in which the man attains the age which is pensionable age in the case of a woman born on the same day, and
- (b) a subsequent year prior to that in which he attains the age of 65.

(3) Paragraph (2) does not apply to a week which falls within a year during which the man is absent from Great Britain for more than 182 days.

- (4) Paragraph (1) applies to a man who is a self-employed earner only if he—

- (a) would be liable to pay [^{F4}, or would be treated as having actually paid,] a Class 2 contribution but for the fact that his profits for the year are below the small profits threshold specified by [^{F5}section 11(4)(b)] of the 1992 Act, or
- (b) is exempted from liability to pay a Class 2 contribution by virtue of regulation 43 of the Social Security (Contributions) Regulations 2001 in respect of any week in a year to which this regulation applies.

Textual Amendments

- F4** Words in reg. 32(4)(a) inserted (with effect from 6.4.2022) by The Social Security (Class 2 National Insurance Contributions Increase of Threshold) Regulations 2022 (S.I. 2022/1329), regs. 1, 6(3)(b)(i)
- F5** Words in reg. 32(4)(a) substituted (with effect from 6.4.2022) by The Social Security (Class 2 National Insurance Contributions Increase of Threshold) Regulations 2022 (S.I. 2022/1329), regs. 1, 6(3)(b)(ii)

Credits for spouses and civil partners of members of Her Majesty's forces

33.—(1) Subject to paragraph (5), a person who satisfies the conditions in paragraph (2) for any part of a week to which this regulation applies is to be credited with a Class 3 contribution in respect of that week.

(2) The conditions are that the person—

- (a) is a spouse or civil partner of a member of Her Majesty's forces, or is treated as such by the Secretary of State for the purposes of occupying accommodation, and
- (b) is accompanying the member of Her Majesty's forces on an assignment outside the United Kingdom, or is treated as such by the Secretary of State.

(3) This regulation applies to a week which falls within a year beginning on or after 6th April 2016 for which the earnings factors of the member of Her Majesty's forces exceed the qualifying earnings factor.

(4) Paragraph (1) does not apply to—

- (a) a person in respect of a week in which the person is entitled to be credited with earnings under—
 - (i) regulation 7A (credits for carer's allowance),
 - (ii) regulation 8A (credits for unemployment),
 - (iii) regulation 8B (credits for incapacity for work or limited capability for work), or
 - (iv) regulation 9E (credits for certain spouses and civil partners of members of Her Majesty's forces),

of the 1975 Regulations; or

- (b) a woman in respect of a week in any part of which an election made by her under regulations under section 19(4) of the 1992 Act (reduced rate election for married women) is in force.

(5) A person is not entitled to be credited with a Class 3 contribution under paragraph (1) unless an application to be so credited is received by the Secretary of State in accordance with paragraph (6).

(6) An application under paragraph (5) may only be made in respect of a past period and must—

- (a) be on a form approved by the Secretary of State, or made in such manner as the Secretary of State accepts as sufficient in the circumstances, and
- (b) include such information as may be specified by the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs.

Credits in respect of an award of child benefit

34.—(1) A person is entitled to be credited with a Class 3 contribution in respect of a week in which the person is—

- (a) awarded child benefit for any part of that week in respect of a child under the age of 12, or
 - (b) in the circumstances specified by paragraph (2) and subject to paragraph (3), the partner of a person to whom child benefit is awarded.
- (2) The circumstances are that the partner—
- (a) resides with the person to whom child benefit is awarded,
 - (b) shares responsibility for the child in respect of whom child benefit is awarded with that person,
 - (c) is ordinarily resident in Great Britain,
 - (d) is not undergoing imprisonment or detention in legal custody, and
 - (e) makes an application to the Commissioners for Her Majesty’s Revenue and Customs to be so credited in accordance with regulation 39.

(3) Paragraph (1)(b) only applies in respect of a week that falls within a year for which the earnings factors of the person to whom child benefit is awarded exceed the qualifying earnings factor.

(4) In calculating the earnings factors for the purpose of paragraph (3), no account is to be taken of any earnings factors derived from contributions credited by virtue of that person being awarded child benefit.

Credits for persons providing care for a child under the age of 12

35.—(1) Subject to paragraphs (3) and (4), a person is to be credited with a Class 3 contribution in respect of a week (“the relevant week”) in which the conditions in paragraph (2) are satisfied.

- (2) The conditions are that in the relevant week the person—
- (a) provided care in respect of a child under the age of 12,
 - (b) is, in relation to that child, a person specified in paragraph (6), and
 - (c) was ordinarily resident in Great Britain.

[^{F6}(3) The person (‘A’) referred to in paragraph (1) is not entitled to be credited with a Class 3 contribution unless—

- (a) child benefit was awarded to another person (‘B’) in respect of—
 - (i) the child, or each child, for whom A provided care, and
 - (ii) the week in which A provided that care,
- (b) B’s earnings factors, other than those derived from a Class 3 contribution credit awarded under regulation 34, exceed the qualifying earnings factor for the year in which the relevant week falls, and
- (c) A makes an application to the Secretary of State to be so credited in accordance with paragraph (5) and regulation 39.

(4) Where the requirements relating to the provision of care by A in paragraph (3)(a)(i) can be satisfied by more than one person in respect of a week in which B was awarded child benefit—

- (a) those persons shall elect, with the agreement of B, which of them is to be credited with a Class 3 contribution credit (and then only the elected person is to be so credited), or
- (b) the Secretary of State is to exercise his discretion to determine which of those persons is to be credited with that contribution, in default of the agreement referred to in sub-paragraph (a).]

- (5) An application under paragraph [F7(3)(c)] must—
- (a) include the name and date of birth of the child [F8, or each child,] cared for,
 - (b) where requested by the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs, include a declaration by B that the conditions in paragraph (2) are satisfied, and
 - (c) specify the relevant week or weeks in which the child [F9, or each child,] was cared for.
- (6) The person specified in paragraph (2)(b) is—
- (a) a non-resident parent;
 - (b) a grandparent;
 - (c) a great-grandparent;
 - (d) a great-great-grandparent;
 - (e) a sibling;
 - (f) a parent's sibling;
 - (g) a spouse or former spouse of any persons listed in sub-paragraphs (a) to (f);
 - (h) a civil partner or former civil partner of any persons listed in sub-paragraphs (a) to (f);
 - (i) a partner or former partner of any persons listed in sub-paragraphs (a) to (h);
 - (j) a son or daughter of any persons listed in sub-paragraphs (e) to (i);
 - (k) in respect of a son or daughter of a person listed in sub-paragraph (f), that person's—
 - (i) spouse or former spouse,
 - (ii) civil partner or former civil partner, or
 - (iii) partner or former partner.
- (7) For the purposes of paragraph (6)(e) and (f), a sibling includes a sibling of the half blood, a step sibling and an adopted sibling.
- (8) For the purposes of paragraph (6)(i) and (k)(iii), a partner is a person who is the other member of a couple who are not married to, or civil partners of, each other but are living together [F10 as if they were a married couple or civil partners].

Textual Amendments

- F6** Reg. 35(3)(4) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), regs. 1(2), **17(2)**
- F7** Word in reg. 35(5) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), regs. 1(2), **17(3)(a)**
- F8** Words in reg. 35(5)(a) inserted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), regs. 1(2), **17(3)(b)**
- F9** Words in reg. 35(5)(c) inserted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), regs. 1(2), **17(3)(b)**
- F10** Words in reg. 35(8) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), reg. 1(2), **Sch. 3 para. 100**

Credits for being a foster parent

- 36.**—(1) Subject to paragraph (3), a person is to be credited with a Class 3 contribution in respect of a week in which the person is a foster parent and is—
- (a) ordinarily resident in Great Britain, and

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- (b) not undergoing imprisonment or detention in legal custody.
- (2) For the purposes of this regulation, a foster parent is a person approved as—
 - (a) a foster parent in accordance with Part 5 (approval of foster parents) of the Fostering Services (England) Regulations 2011,
 - (b) a kinship carer in accordance with Part 5 (kinship care) of the Looked After Children (Scotland) Regulations 2009,
 - (c) a foster carer in accordance with Part 7 (fostering) of those Regulations, or
 - (d) a foster parent in accordance with Part 2 (approvals and placements) of the Foster Placement (Children) Regulations (Northern Ireland) 1996.
- (3) A person is not entitled to be credited with a Class 3 contribution under paragraph (1) unless an application to be so credited is received by the Commissioners for Her Majesty's Revenue and Customs in accordance with regulation 39.

Credits for persons engaged in caring

- 37.**—(1) Subject to paragraph (5), a person is to be credited with a Class 3 contribution in respect of a week in which the person is engaged in caring.
- (2) A person is engaged in caring in a week if the person is—
 - (a) caring for another person or persons for a total of 20 or more hours in that week and—
 - (i) that other person is, or each of the persons cared for are, entitled to a relevant benefit for that week, or
 - (ii) the Secretary of State considers that level of care to be appropriate; or
 - (b) a person to whom one or more of paragraphs 4 to 6 (persons caring for another person) of Schedule 1B (prescribed categories of person) to the Income Support (General) Regulations 1987 applies.
 - (3) A person is not engaged in caring for the purposes of this regulation during any period in respect of which the person is—
 - (a) not ordinarily resident in Great Britain, or
 - (b) undergoing imprisonment or detention in legal custody.
 - (4) For the purposes of paragraph (2)(a)(i), “relevant benefit” means—
 - (a) attendance allowance in accordance with section 64 of the 1992 Act;
 - (b) the care component of disability living allowance in accordance with section 72 of the 1992 Act, at the middle or highest rate prescribed in accordance with subsection (3) of that section;
 - (c) an increase in the rate of disablement pension in accordance with section 104 of the 1992 Act;
 - (d) any benefit which is payable as if an injury or disease were one in respect of which a disablement pension would be payable in respect of an assessment of 100 per cent., by virtue of—
 - (i) the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1983; or
 - (ii) regulations made under section 64(3) of the 2012 Act (injuries arising before 5 July 1948);
 - (e) a constant attendance allowance payable by virtue of—

- (i) article 8 (constant attendance allowance) of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006; or
- (ii) article 14 (constant attendance allowance) of the Personal Injuries (Civilians) Scheme 1983;
- (f) the daily living component of personal independence payment in accordance with section 78 of the 2012 Act;
- (g) armed forces independence payment in accordance with the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011.
 - [the care component of child disability payment at the middle or highest rate in accordance
 - ^{F11}(h) with regulation 11 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021^[^{F12}];]
 - [the daily living component of adult disability payment at the standard or enhanced rate
 - ^{F13}(i) payable in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022.]
- (5) Except in a case to which paragraph (8) applies, a person is not entitled to be credited with a Class 3 contribution under paragraph (2)(a) unless an application to be so credited is received by the Secretary of State in accordance with paragraph (6) and regulation 39.
- (6) An application under paragraph (5) must include—
 - (a) a declaration by the applicant that the applicant cares for a person or persons for 20 or more hours in a week,
 - (b) the name and, where known, the national insurance number of each person cared for,
 - (c) where applicable, which relevant benefit each person cared for is entitled to, and
 - (d) where requested by the Secretary of State, a declaration signed by an appropriate person as to the level of care which is required for each person cared for.
- (7) For the purposes of paragraph (6)(d), an appropriate person is a person who is—
 - (a) involved in the health care or social care of the person cared for, and
 - (b) considered by the Secretary of State as appropriate to make a declaration as to the level of care required.
- (8) This paragraph applies in the case of a woman in respect of a week in any part of which an election made by her under regulations under section 19(4) of the 1992 Act (reduced rate election for married women) is in force.

Textual Amendments

- F11** Reg. 37(4)(h) inserted (17.11.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) (No. 2) Order 2021 (S.I. 2021/1301), arts. 1(2), **4(2)**
- F12** Reg. 37(4)(h): semicolon substituted for full stop (21.3.2022) by The Social Security (Scotland) Act 2018 (Disability Assistance and Information-Sharing) (Consequential Provision and Modifications) Order 2022 (S.I. 2022/332), arts. 1(2), **15(2)(a)**
- F13** Reg. 37(4)(i) inserted (21.3.2022) by The Social Security (Scotland) Act 2018 (Disability Assistance and Information-Sharing) (Consequential Provision and Modifications) Order 2022 (S.I. 2022/332), arts. 1(2), **15(2)(b)**

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Credits for an additional period in respect of entitlement to carer's allowance and relevant benefits

38.—(1) A person is to be credited with a Class 3 contribution for a period of 12 weeks—

- (a) prior to the date on which that person becomes entitled to carer's allowance by virtue of subsection (1) of section 70 of the 1992 Act;
- (b) subject to paragraph (2), following the end of the week in which that person ceases to be entitled to carer's allowance by virtue of that subsection;
- (c) following the end of a week in which regulation 37(2)(a) ceases to be satisfied.

(2) A person is not entitled to be credited with a Class 3 contribution under paragraph (1)(b) in a week in respect of which that person is entitled under regulation 7A of the 1975 Regulations to be credited with contributions by virtue of being entitled to an allowance under section 70 of the 1992 Act.

Time limit for making an application under regulation 34(1)(b), 35, 36 or 37

39. An application must be received—

- (a) where the application is under regulation 34(1)(b), 36 or 37—
 - (i) before the end of the year following that in which a week, which is the subject of the application, falls, or
 - (ii) within such further time as the Secretary of State or the Commissioners for Her Majesty's Revenue and Customs, as the case may be, consider reasonable in the circumstances, or
- (b) where the application is under regulation 35, after the end of the year in which a week, which is the subject of the application, falls.]

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